

## [COMMITTEE PRINT]

[SHOWING THE TEXT OF H.R. 5313 AS FORWARDED BY THE SUBCOMMITTEE  
ON CONSUMER PROTECTION AND COMMERCE ON JUNE 23, 2022]

117TH CONGRESS  
1ST SESSION

# H. R. 5313

To protect children and other consumers against hazards associated with the accidental ingestion of button cell or coin batteries by requiring the Consumer Product Safety Commission to promulgate a consumer product safety standard to require child-resistant closures on consumer products that use such batteries, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2021

Ms. KELLY of Illinois (for herself, Mr. ARRINGTON, and Mr. LIEU) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To protect children and other consumers against hazards associated with the accidental ingestion of button cell or coin batteries by requiring the Consumer Product Safety Commission to promulgate a consumer product safety standard to require child-resistant closures on consumer products that use such batteries, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as “Reese’s Law”.

3 **SEC. 2. CONSUMER PRODUCT SAFETY STANDARD FOR BUT-**  
4 **TON CELL OR COIN BATTERIES AND CON-**  
5 **SUMER PRODUCTS CONTAINING SUCH BAT-**  
6 **TERIES.**

7 (a) IN GENERAL.—Not later than 1 year after the  
8 date of the enactment of this Act, the Commission shall,  
9 in accordance with section 553 of title 5, United States  
10 Code, promulgate a final consumer product safety stand-  
11 ard for button cell or coin batteries and consumer prod-  
12 ucts containing button cell or coin batteries that shall only  
13 contain—

14 (1) a performance standard requiring the but-  
15 ton cell or coin battery compartments of a consumer  
16 product containing button cell or coin batteries to be  
17 secured in a manner that would eliminate or ade-  
18 quately reduce the risk of injury from button or coin  
19 cell battery ingestion by children that are 6 years of  
20 age or younger during reasonably foreseeable use or  
21 misuse conditions; and

22 (2) warning label requirements—

23 (A) to be included on the packaging of but-  
24 ton cell or coin batteries and the packaging of  
25 a consumer product containing button cell or  
26 coin batteries;

1 (B) to be included in any literature, such  
2 as a user manual, that accompanies a consumer  
3 product containing button cell or coin batteries;  
4 and

5 (C) to be included, as practicable—

6 (i) directly on a consumer product  
7 containing button cell or coin batteries in  
8 a manner that is visible to the consumer  
9 upon installation or replacement of the  
10 button cell or coin battery; or

11 (ii) in the case of a product for which  
12 the battery is not intended to be replaced  
13 or installed by the consumer, to be in-  
14 cluded directly on the consumer product in  
15 a manner that is visible to the consumer  
16 upon access to the battery compartment,  
17 except that if it is impracticable to label  
18 the product, this information shall be  
19 placed on the packaging or instructions.

20 (b) REQUIREMENTS FOR WARNING LABELS.—Warn-  
21 ing labels required under subsection (a)(2) shall—

22 (1) clearly identify the hazard of ingestion; and

23 (2) instruct consumers, as practicable, to keep  
24 new and used batteries out of the reach of children,  
25 to seek immediate medical attention if a battery is

1 ingested, and to follow any other consensus medical  
2 advice.

3 (c) TREATMENT OF STANDARD FOR ENFORCEMENT  
4 PURPOSES.—A consumer product safety standard promul-  
5 gated under subsection (a) shall be treated as a consumer  
6 product safety rule promulgated under section 9 of the  
7 Consumer Product Safety Act (15 U.S.C. 2058).

8 (d) EXCEPTION FOR RELIANCE ON VOLUNTARY  
9 STANDARD.—

10 (1) BEFORE PROMULGATION OF STANDARD BY  
11 COMMISSION.—Subsection (a) shall not apply if the  
12 Commission determines, before the Commission pro-  
13 mulgates a final consumer product safety standard  
14 under such subsection, that—

15 (A) with respect to any consumer product  
16 for which there is a voluntary consumer product  
17 safety standard that meets the requirements for  
18 a standard promulgated under subsection (a)  
19 with respect to such product; and

20 (B) the voluntary standard described in  
21 subparagraph (A)—

22 (i) is in effect at the time of the de-  
23 termination by the Commission; or

1 (ii) will be in effect not later than the  
2 date that is 180 days after the date of the  
3 enactment of this Act.

4 (2) DETERMINATION REQUIRED TO BE PUB-  
5 LISHED IN FEDERAL REGISTER.—Any determination  
6 made by the Commission under this subsection shall  
7 be published in the Federal Register.

8 (e) TREATMENT OF VOLUNTARY STANDARD FOR EN-  
9 FORCEMENT PURPOSES.—

10 (1) IN GENERAL.—If the Commission makes a  
11 determination under subsection (d) with respect to a  
12 voluntary standard, the requirements of such vol-  
13 untary standard shall be treated as a consumer  
14 product safety rule promulgated under section 9 of  
15 the Consumer Product Safety Act (15 U.S.C. 2058)  
16 beginning on the date described in paragraph (2).

17 (2) DATE DESCRIBED.—The date described in  
18 this paragraph is the later of—

19 (A) the date of the determination of the  
20 Commission under subsection (d) with respect  
21 to the voluntary standard described in para-  
22 graph (1); or

23 (B) the effective date contained in the vol-  
24 untary standard described in paragraph (1).

25 (f) REVISION OF VOLUNTARY STANDARD.—

1           (1) NOTICE TO COMMISSION.—If a voluntary  
2           standard with respect to which the Commission has  
3           made a determination under subsection (d) is subse-  
4           quently revised, the organization that revised the  
5           standard shall notify the Commission after the final  
6           approval of the revision.

7           (2) EFFECTIVE DATE OF REVISION.—Beginning  
8           on the date that is 180 days after the Commission  
9           is notified of a revised voluntary standard described  
10          in paragraph (1) (or such later date as the Commis-  
11          sion determines appropriate), such revised voluntary  
12          standard in whole or in part shall be considered to  
13          be a consumer product safety rule promulgated  
14          under section 9 of the Consumer Product Safety Act  
15          (15 U.S.C. 2058), in place of the prior version, un-  
16          less, within 90 days after receiving the notice, the  
17          Commission notifies the organization that the re-  
18          vised voluntary standard, in whole or in part, does  
19          not improve the safety of the consumer product cov-  
20          ered by the standard and that the Commission is re-  
21          taining all or part of the existing consumer product  
22          safety standard.

23          (g) FUTURE RULEMAKING.—At any time after the  
24          promulgation of a final consumer product safety standard  
25          under subsection (a), a voluntary standard is treated as

1 a consumer product safety rule under subsection (e), or  
2 a revised voluntary standard becomes enforceable as a  
3 consumer product safety rule under subsection (f), the  
4 Commission may initiate a rulemaking in accordance with  
5 section 553 of title 5, United States Code, to modify the  
6 requirements of the standard or revised standard. Any  
7 rule promulgated under this subsection shall be treated  
8 as a consumer product safety rule promulgated under sec-  
9 tion 9 of the Consumer Product Safety Act (15 U.S.C.  
10 2058).

11 **SEC. 3. CHILD-RESISTANT PACKAGING FOR BUTTON CELL**  
12 **OR COIN BATTERIES.**

13 (a) REQUIREMENT.—Not later than 180 days after  
14 the date of the enactment of this Act, any button cell or  
15 coin battery sold, offered for sale, manufactured for sale,  
16 distributed in commerce, or imported into the United  
17 States, or included separately with a consumer product  
18 sold, offered for sale, manufactured for sale, distributed  
19 in commerce, or imported into the United States, shall be  
20 packaged in accordance with the standards provided in  
21 section 1700.15 of title 16, Code of Federal Regulations  
22 (or any successor regulation), as determined through test-  
23 ing in accordance with the method described in section  
24 1700.20 of title 16, Code of Federal Regulations (or any  
25 successor regulation), or another test method for button

1 cell or coin battery packaging specified, by rule, by the  
2 Commission.

3 (b) APPLICABILITY.—The requirement of subsection  
4 (a) shall be treated as a standard for the special packaging  
5 of a household substance established under section 3(a)  
6 of the Poison Prevention Packaging Act of 1970 (15  
7 U.S.C. 1472(a)).

8 **SEC. 4. EXEMPTION FOR COMPLIANCE WITH EXISTING**  
9 **STANDARD.**

10 The standards promulgated under this Act shall not  
11 apply with respect to any toy product that is in compliance  
12 with the battery accessibility and labeling requirements of  
13 part 1250 of title 16, Code of Federal Regulations, and  
14 in reference to section 3(a), shall not apply with respect  
15 to button cell or coin batteries that are in compliance with  
16 the marking and packaging provisions of the ANSI Safety  
17 Standard for Portable Lithium Primary Cells and Bat-  
18 teries (ANSI C18.3M).

19 **SEC. 5. DEFINITIONS.**

20 In this Act:

21 (1) **BUTTON CELL OR COIN BATTERY.**—The  
22 term “button cell or coin battery” means—

23 (A) a single cell battery with a diameter  
24 greater than the height of the battery; or

1 (B) any other battery, regardless of the  
2 technology used to produce an electrical charge,  
3 that is determined by the Commission to pose  
4 an ingestion hazard.

5 (2) COMMISSION.—The term “Commission”  
6 means the Consumer Product Safety Commission.

7 (3) CONSUMER PRODUCT.—The term “con-  
8 sumer product” has the meaning given such term in  
9 section 3(a) of the Consumer Product Safety Act  
10 (15 U.S.C. 2052(a)).

11 (4) CONSUMER PRODUCT CONTAINING BUTTON  
12 CELL OR COIN BATTERIES.—The term “consumer  
13 product containing button cell or coin batteries”  
14 means a consumer product containing or designed to  
15 use one or more button cell or coin batteries, regard-  
16 less of whether such batteries are intended to be re-  
17 placed by the consumer or are included with the  
18 product or sold separately.

19 (5) TOY PRODUCT.—The term “toy product”  
20 means any object designed, manufactured, or mar-  
21 keted as a plaything for children under 14 years of  
22 age.

23 **SEC. 6. EFFECTIVE DATE.**

24 The standard promulgated under section 2(a) and the  
25 requirements of section 3(a) shall only apply to a product

- 1 that is manufactured or imported after the effective date
- 2 of such standard or requirement.